

MINUTES
EVANS CITY COUNCIL
Regular Meeting
November 1, 2011 - 7:30 P.M.

CALL TO ORDER

Mayor Achziger called the meeting to order at 7:30 p.m.

PLEDGE

ROLL CALL:

Present: Mayor Achziger, Mayor Pro Tem Morris, Councilmembers Brown, Burmont, Neibauer, Schaffer and Wells

AUDIENCE PARTICIPATION:

There was no audience participation.

APPROVAL OF AGENDA:

Councilmember Schaffer made motion, seconded by Councilmember Brown to approve the agenda as presented. Motion passed with all voting in favor thereof.

CONSENT AGENDA:

- A. Approval of Minutes of the Regular Meeting of October 18, 2011
- B. Ordinance No. 528-11 – Amends Section 12.20.040 of the Evans Municipal Code concerning methodology for adjusting Street Impact Fees for Inflation (2nd Rd)
- C. Resolution No. 29-2011 – 2012 Holiday Schedule

Councilmember Wells made motion, seconded by Councilmember Schaffer to approve the Consent Agenda as presented. Motion passed with all voting in favor thereof.

NEW BUSINESS:

- A. Public Hearing – New Tavern Liquor License – La Hacienda Rental Hall Corporation – 3001 8th Avenue

Mayor Achziger opened the Public Hearing.

Kim Betz, City Clerk, reported the following:

Juan and Elia Perez, representing La Hacienda Rental Hall Corporation, submitted an application for a Tavern Liquor License located at 3001 8th Avenue (TriPointe building). The nature of the proposed establishment is a rental hall for special events.

The preliminary findings and report submitted for this Tavern liquor license application is as follows:

The application was filed on September 16, 2011.

The City Attorney and Staff find that the applicant has submitted all the necessary information for a complete application.

The evidence submitted by the applicant entitles them to possession of the premises where they propose to exercise the license applied for.

No licensing authority has denied an application for a liquor license at this location within two years preceding the date of filing of this application.

That selling liquor in the manner proposed in the application is not in violation of the zoning, fire and other applicable laws of the City of Evans or the State of Colorado.

That the investigation reports from the Fire Department and Building Inspection Department indicates the premises are in compliance with the Building, Zoning and Fire Codes.

That the building where the applicant proposes to exercise the privilege of selling liquor is not in violation of the 500 foot limitation from any public or parochial school or principal campus of any college, university or seminary.

The neighborhood for purposes of determining the reasonable requirements of the neighborhood was established as a one (1) mile radius from the location.

The applicant submitted petitions addressing the needs and desires of the neighborhood. The petitions submitted reflect 100 signatures in favor of the proposed liquor license and there are no signatures showing opposition to the proposed liquor license. The petitions are attached.

The memo from the police department indicates no information was found relating to the applicants of a criminal history nature or which would reflect on the moral character of the applicants.

Notice of Public Hearing was posted on the property on October 20, 2011 by the applicant's representative and publication was made in the Greeley Tribune on October 21, 2011.

Before granting any license, the local licensing authority shall consider the reasonable requirements of the neighborhood, the desires of the adult inhabitants, the moral character of the applicants and any other pertinent matters affecting the qualifications of the applicants.

Staff is satisfied that the application for a new Tavern liquor license is complete and that all requirements regarding the new license application have been met. Staff recommends approval.

Beto Loya, representing the applicant, explained the following: His client has been in business in California for the past 13 years. They run four family businesses which include a travel agency, wedding chapel, bridal shop and real estate investment. They are interested in expanding

their entrepreneurship to Colorado. His clients don't have hands on experience in the liquor business but they are in the process of getting TIPS trained. The assistant manager has four years of event planning experience. The nature of their business is special events which would include quincineras, weddings, baptism, anniversaries, holiday parties etc. They plan to hire Union Colony Security to provide security for their events.

Mayor Achziger asked if anyone in attendance wished to speak in favor of the issuance of the Tavern Liquor License. No one responded.

Mayor Achziger asked if anyone in attendance wished to speak in opposition to the issuance of the Tavern Liquor License. No one responded.

Mayor Achziger closed the Public Hearing.

Council felt there is a need in the community and surrounding area for this type of business. There was some concerns addressed regarding the consumption of alcohol for the family gatherings, but were pleased that they would be hiring security for these events.

Mayor Pro Tem Morris made motion, seconded by Councilmember Brown to approve the Tavern Liquor License for La Hacienda Rental Hall Corporation. Motion passed with all voting in favor thereof.

- B. Ordinance No. 529-11 – Amends Exhibit A of Chapter 12.20 and Sections 15.50.100 and 15.52.045 of the Evans Municipal Code concerning Adjustments of Street, Fire and Park Impact Fees (1st Rd)

Warren Jones, Fire Chief, reported the following:

This ordinance adjusts the impact fees for fire, streets, and parks. Sections 12.20.040D and 15.52.100 allows for the adjustment of the Street and Park Impact Fees to be adjusted annually to reflect the effects of inflation utilizing the most recent actual historical factor for the previous fully completed year for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area. Section 15.50.100 allows for the adjustment of the Fire Impact Fees to reflect inflation, as reflected in the Engineering News Record Construction Index.

The 2012 budget does not include any revenue from impact fees to be spent in the same year. Rather, the 2011 actual revenues are used in the 2012 budget process. In that way, accurate revenue and expenditures can take place.

Councilmember Schaffer made motion, seconded by Councilmember Wells to approve Ordinance No. 529-11 on first reading. Motion passed with all voting in favor thereof.

- C. Ordinance No. 530-11 - 3rd Quarter Budget Revision

Jessica Gonifas, Finance Director, reported the following:

The City Council approves specific items during the year which require an amendment to the adopted budget as required by the City of Evans Charter (Section 7.3 & 8.6). In this case, the revenues, expenditures (or expenses in enterprise funds) and transfers have been previously approved by the City Council. Staff action is usually taken on these items immediately following Council direction. Budget revisions are scheduled at quarterly intervals throughout the year in order to facilitate a flexible and accurate City budget. This ordinance is the third revision to the 2011 Operating and Capital Budget.

The Budget Ordinance heading summarizes the changes to revenues, expenditures, and transfers by fund. Some of the items have been previously approved by the City Council which is listed below:

The General Fund includes the following:

- Item 1.1 relates to a reimbursement based on an agreement with Weld County for the services provided for the 2011 Colorado Employee Residence count.
- Item 1.2 is the revenue and expenditure related to a workers comp insurance reimbursement.
- Item 1.3 and 1.4 are reimbursements for a DUI patrol and grant in the Police Department.
- Item 1.5 relates to increases in revenue and expenditures for a Senior trip in 2011.
- Item 1.8 in both the General Fund and Cemetery Endowment funds represents an unanticipated increase in interest income in the Cemetery Endowment fund which is then transferred to the General Fund to offset the ongoing costs of maintaining the cemetery.
- Item 1.9 was included in the 2011 & 2012 one-time lists but due to the timing of implementation of the new Weld County computer-aided dispatch system, the public safety computers need replaced this year to be compliant.

The Conservation Trust Fund includes:

- 1.6 relates to revenue and expenditures for a grant for playground surfacing in one of the Tuscany parks.

The Finance Committee reviewed the proposed budget revision at their last meeting and did not recommend any changes.

Councilmember Schaffer made motion, seconded by Councilmember Brown to approve Ordinance No. 530-11 on first reading. Motion passed with all voting in favor thereof.

D. Resolution No. 30-2011 – Accepting a Letter of Intent to Purchase Real Property

Earl Smith, Director of Public Works, reported the following:

This Resolution accepts a Letter of Intent (LOI) to Purchase Real Property. The LOI is to purchase five (5) acres +/- of land from the nine (9) acre City owned Tri Pointe property located along the east side of 11th Avenue at 29th Street Road.

The LOI outlines the terms and conditions under which the buyer and the City must conduct themselves until such time a purchase contract is approved. Once the purchase contract is in place the LOI becomes null and void.

The proposed sale is for five (5) acres in the northwest corner of the site. The existing access road along the 29th Street Road alignment would remain in place. The roadway would be improved jointly by the buyer and the City as part of the project. The City will retain the remaining four acres of land.

The proposed purchase price is \$625,000. Of this amount, \$500,000 would be credited to the land acquisition and \$125,000 would be credited toward the improvement of 29th Street Road which bisects the Tri Pointe parcel.

Mayor Pro Tem Morris made motion, seconded by Councilmember Schaffer to adopt Resolution No. 30-2011. Motion passed with all voting in favor thereof.

REPORTS:

The City Manager had nothing new to report.

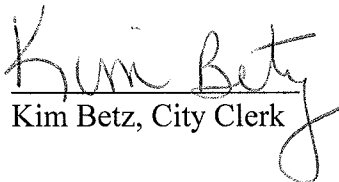
The City Attorney had nothing new to report.

AUDIENCE PARTICIPATION:

There was no audience participation.

ADJOURNMENT:

Mayor Achziger adjourned the meeting at 8:06 p.m.


Kim Betz, City Clerk